

21 C.J.S. Courts § 340

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Courts

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X. Clerks of Courts

C. Powers and Duties

§ 340. Disqualification to act

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West's Key Number Digest

West's Key Number Digest, [Clerks of Courts](#)  68

A court clerk is disqualified from performing acts of a judicial nature in relation to a matter in which he or she has an interest.

A court clerk is disqualified from performing acts of a judicial nature in relation to a matter in which he or she has an interest¹ but may perform a purely ministerial act, such as the issuance of process, even where he or she is a party to the action.² It has been held that the clerk's relationship to a party litigant by consanguinity and blood disqualifies the clerk from acting as clerk during the trial.³

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Footnotes

- 1 N.C.—*Evans v. Etheridge*, 96 N.C. 42, 1 S.E. 633 (1887).
- 2 Ga.—*Thornton v. Ferguson*, 133 Ga. 825, 67 S.E. 97 (1910).
- 3 S.C.—*Turner v. Southern Ry. Co.*, 179 S.C. 38, 183 S.E. 579 (1936).

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